

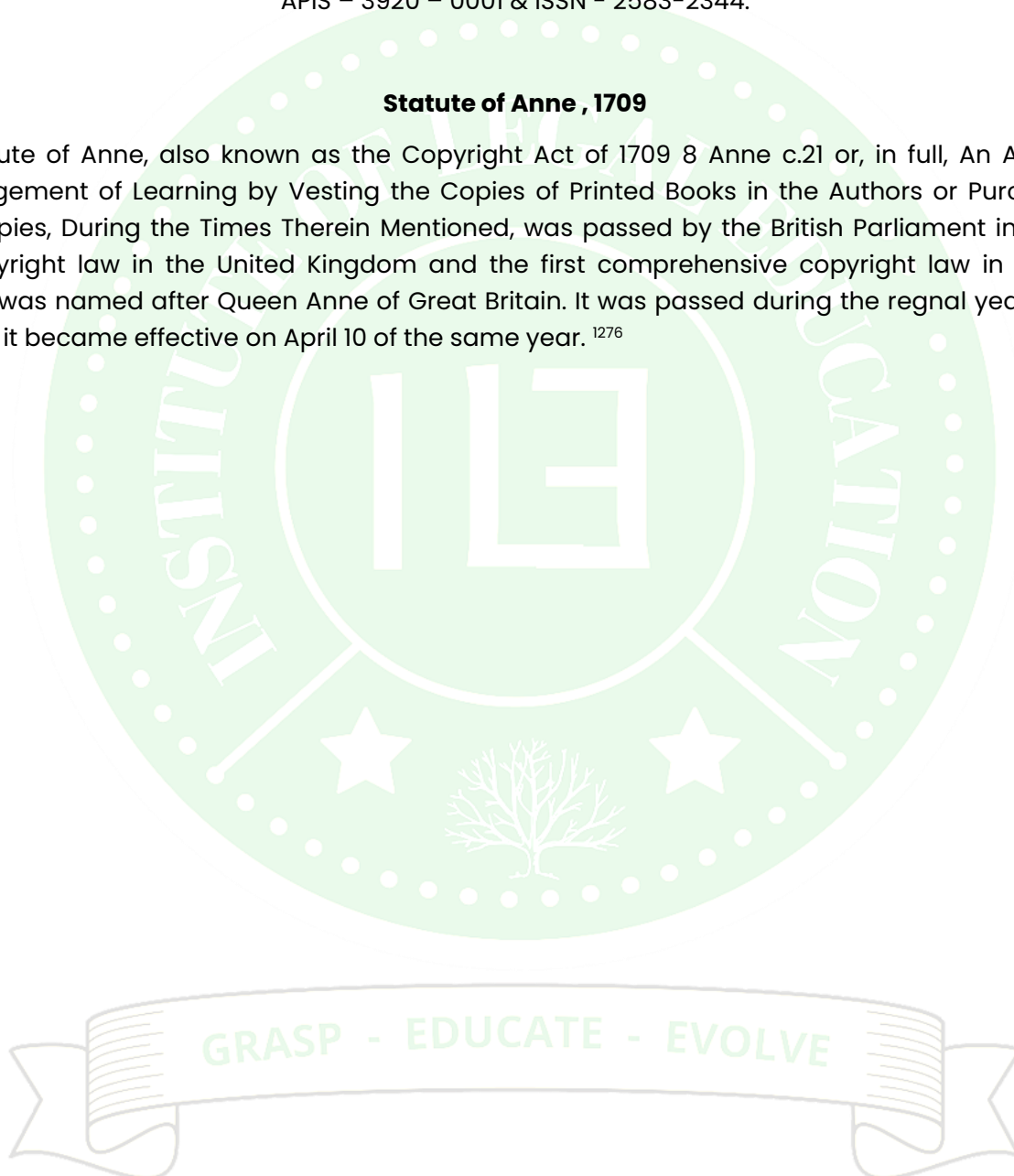
INTERNATIONAL SCENARIO OF COPYRIGHT LAW AND INFRINGEMENT: AN OVERVIEW OF U.K AND U.S.A LAW

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BEST CITATION – AARISH HASAN, INTERNATIONAL SCENARIO OF COPYRIGHT LAW AND INFRINGEMENT: AN OVERVIEW OF U.K AND U.S.A LAW, *INDIAN JOURNAL OF LEGAL REVIEW (IJLR)*, 5 (5) OF 2025, PG. 642-646, APIS – 3920 – 0001 & ISSN – 2583-2344.

Statute of Anne , 1709

The Statute of Anne, also known as the Copyright Act of 1709 8 Anne c.21 or, in full, An Act for the Encouragement of Learning by Vesting the Copies of Printed Books in the Authors or Purchasers of Such Copies, During the Times Therein Mentioned, was passed by the British Parliament in 1709. The first copyright law in the United Kingdom and the first comprehensive copyright law in the entire globe, it was named after Queen Anne of Great Britain. It was passed during the regnal year of 1709–1710, and it became effective on April 10 of the same year.¹²⁷⁶



¹²⁷⁶ The Statute of Anne: The First Copyright Statute , <https://www.historyofinformation.com/detail.php?>

With the passage of the Statute of Anne, publishers of books were given 14 years of legal protection. Additionally, it extended protection for published books by 21 years. If the author was still living at the end of the initial 14-year copyright term, the copyright reverted to them for an additional 14-year period.

The Stationers' Company, a guild of printers and booksellers, was in charge of licensing and censorship of published publications in England prior to the Statute of Anne. The Company, which was founded in the 16th century, held exclusive rights to print and sell books, which resulted in a monopoly over the publishing sector. However, this structure inhibited artistic expression and offered little protection for authors.¹²⁷⁷

Time-limited copyright was first introduced by the Statute of Anne, which also balanced the rights of authors, publishers, and the general public. In the end, it facilitated creativity, invention, and the dissemination of knowledge. It also prevented monopolies and protected authors' rights. The act also introduced the idea of "public domain," which stated that after a work's copyright term expired, it would be freely accessible for copying and usage. This promoted additional invention and made it possible to remix, adapt, and produce new works based on existing ones.¹²⁷⁸

U.K Copyright law

The Statute of Anne 1709, a common law principle, served as the basis for the creation of copyright law in the United Kingdom. With the passage of the Copyright Act 1911, it was become a statute. The Copyright, Designs and Patents Act of 1988 is the current law.

The law grants authors of written works, plays, music, visual arts, sound recordings, broadcasts, movies, and published editions'

typographical arrangements the right to choose how their work is utilized.¹²⁷⁹

According to the 1988 Copyright, Designs, and Patents Act, the person or group who created the work is often the exclusive proprietor of the work and is referred to as the "first owner of copyright." However, if a work is made as part of employment, the employer of the person who created the work is typically the original owner of the work.

Unless otherwise specified (for example, in a contract for services), the creator of a freelance or commissioned piece of work will typically own it.

Copyright can be given or sold by the owner to a third party just like any other asset.

Any portion of a work that is a copy obtained from another work cannot have its rights asserted.¹²⁸⁰

It is illegal to take any of the following actions without the owner's permission:

- 1) Copy the writing.
- 2) The public may borrow, rent, or receive copies of the work.
- 3) Show, perform, or broadcast the work in public.
- 4) Change the piece.

Additional moral rights that a writer or director of a film may possess include:

1. The right to authorship disclosure.
2. Right to object to the work being disparaged.

Fair dealing refers to actions that are allowed up to a point yet do not violate the work. Examples of such actions include:

private and academic research.

In person, on a copy, or loaned to students for educational purposes.

both criticism and news coverage.

¹²⁷⁷(On this day)The Birth of Copyright : Statute of Anne , <https://yourstory.com/2023/04/statute-of-anne-first-law-regulating-copyright>

¹²⁷⁸ Supra

¹²⁷⁹ U.K Copyright law , factsheet P – 01 , https://copyrightservice.co.uk/copyright/p01_uk_copyright_law

¹²⁸⁰ Supra

Included incidentally.

Librarians' lending and copying services.

parody, pastiche, or caricature.

acts for royal commissions, statutory investigations, legal cases, and parliamentary purposes.

Time shifting is the practice of recording broadcasts so that you can watch or listen to them later, when it is more convenient for you.

creating a backup copy of a computer software for personal use.

Copyright is a property right that exists in accordance with this Part in the following descriptions of works: (a) original literary, dramatic, musical, or artistic works; (b) sound recordings, films, or broadcasts; and (c) the typographical arrangement of published editions. This definition comes from the Copyright, Designs, and Patents Act of 1988 in the UK.¹²⁸¹

This definition incorporates the concept of originality, a crucial component of copyright law. Simply expressed, a creation must first meet the originality requirement in order to qualify for copyright protection. It is not necessary for the work to be a novel for the originality requirement to be satisfied in the UK legal system; rather, it must have "originated from the author" in the sense that it cannot be a copy of another work. The expression of the notion is what constitutes originality, as was noted in the *University of London Press Ltd v. London Tutorial Press Ltd* case. It is not necessary for the expression to be in a unique or novel form in order to comply with the CDPA 1988.

The idea of authorship is entwined with the idea of originality. As a result, when the originality condition is met, the person might be

considered the work's author. The author of a work is defined as the person who created it. In the UK by Section 9(1) of the Copyright, Designs and Patents Act 1988. There is, however, one exception to this rule. The author of a work is the initial owner of any copyright in it, subject to the following conditions, according to Section 11(1) of the CDPA 1988. When an employee creates a film, play, song, or other creative work while on the job, his employer is the initial owner of any copyright in the work subject to any agreement to the contrary.

All of the aforementioned information is crucial for assisting a creative or copyright owner in identifying their rights and protecting themselves from potential infringements on their creations. As a result, this makes us consider the idea of copyright law infringement. A copyright violation occurs when someone uses a piece of work that is covered by copyright legislation without first getting consent from the copyright owner. According to Section 16 of the CDPA 1988, "Copyright in a work is infringed by a person who does, or authorizes another to do, any of the acts restricted by the copyright without the license of the copyright owner." All of the aforementioned are vital in order to aid a creator or In this section, references to doing an act that is prohibited by a work's copyright refer to doing so (a) in relation to the work as a whole or any significant portion of it, and (b) either directly or indirectly.

US Copyright law

The US Constitution's Copyright Clause, included in Article 1, Section 8, Clause 8, is the source of US copyright law. By guaranteeing authors and inventors the exclusive right to their respective writings and discoveries for a set period of time, this section grants the US Congress the "power to promote the progress of Science and useful Arts."¹²⁸²

The U.S. Copyright Act, which is codified at 17 U.S.C. 101–810, is federal legislation that safeguards authors' written works. Take note

¹²⁸¹Niomi Piemmenou ; Copyright Law Explained from a UK Law Perspective
, 2020 : <https://www.thelegalcompass.co.uk/post/copyright-law-explained-from-a-uk-law-perspectives>

¹²⁸² Copyright litigation in United States : Overview ,
<https://uk.practicallaw.thomsonreuters.com/>

that the meaning of the word "writings" has expanded significantly as a result of technological breakthroughs. Architectural design, software, graphic arts, motion pictures, sound recordings, and other fields are now covered by the Copyright Act. Regardless of whether they were produced before or after that date, published or unpublished, all works of authorship fixed in a tangible medium of expression and falling within the subject matter of copyright were presumed to fall under the exclusive authority of the Copyright Act.¹²⁸³

According to Section 106, the owner of a copyright has the sole authority to develop derivative works that are based on the original work and to reproduce, distribute, perform, and display them.

Good Work

The doctrine of "fair use" may place restrictions on the copyright owner's exclusive rights under Section 107. A copyrighted work may be used lawfully for purposes like criticism, commentary, news reporting, teaching, scholarship, or research. Courts utilize the multi-factor balancing test from 107 to decide whether a particular use is permissible.

Any concept, principle, system, method of operation, procedure, or invention is not protected by the copyright. For instance, if a book is written outlining a novel method of bookkeeping, the copyright protection only covers the author's description of the method; the method itself is not protected. According to *Baker v. Selden*, 101 U.S. 99 (1879), this viewpoint was held.

A work must have a minimum level of originality in addition to being independently created by the author to be eligible for copyright protection. The Supreme Court ruled in *Feist Publications v. Rural Telephone Service*, 499 U.S. 340 (1991), that a work needs to exhibit "some minimal degree of creativity." Thus, while a simple list of data points arranged alphabetically is not protected, other original

elements of the work, such as the page layout, style, structure, or even the precise selection of data points, may be. This emphasizes the idea that only certain arrangements or presentations of information are protected by copyright.

Intellectual property law is a bigger subject of law that includes copyright laws. In 1790, the first federal copyright legislation was passed. Since then, the copyright legislation has undergone four general revisions: in 1831, 1870, 1909, and 1976. The copyright statute has also undergone a number of revisions.¹²⁸⁴

The Copyright Act has undergone the following two recent major changes:

The Sonny Bono Copyright Term Extension Act of 1998 increased the copyright duration for the majority of protected works from 50 to 70 years following an author's passing.

The Digital Millennium Copyright Act enabled the United States to join the two new digital copyright treaties in 1998, bringing the country up to par with other countries in terms of digital copyright concerns.

The definition of copyright is "the right to copy." Authors of "original works of authorship"—including literary, dramatic, musical, architectural, cartographic, choreographic, pantomimic, pictorial, graphic, sculptural, and multimedia works—are granted certain rights under the United States Copyright Act. Owners of copyrights are the only people who can reproduce, modify, distribute, and, in some cases, publicly perform or exhibit a work.

Although the copyright owner has exclusive access to these rights, such rights are limited. Certain restrictions on these rights are established under the Copyright Act. These restrictions could take many different shapes. One restriction, fair use, serves as a deterrent to a copyright infringement accusation. Other restrictions are known as exceptions or exemptions because they permit particular uses of things that are copyright-protected

¹²⁸³ Copyright, <https://www.law.cornell.edu/wex/copyright>

¹²⁸⁴ A simple guide to US Copyright law, <https://www.copyrightlaws.com/a-simple-guide-to-u-s-copyright-law/>

without requesting consent from the copyright owner.

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Since the Statute of Anne was passed nearly three centuries ago, US law has been updated to handle new technology, expand the purview of copyright, and alter the duration of copyright

protection. The US has been debating and implementing copyright reform for a while. The Canadian government is also thinking about reforming copyright laws.

The Copyright Act 1976 (17 USC 101 et seq), which went into force on 1 January 1978 and is frequently referred to as the Copyright Act, is the primary source of copyright law in the US. Other significant sources of US copyright law include the Digital Millennium Copyright Act 1998, which is related to software protection and digital technology and is codified in the Copyright Act at 17 USC 512, 1201-1205, 1301-1332, and 18 USC 2319, which stipulates additional penalties for criminal copyright infringement, including imprisonment.¹¹

¹²⁸⁵ Copyright Timeline: A History of Copyright in the United States , <https://www.arl.org/copyright-timeline/>
¹¹ Supra note 7